

Remarks

Priority Claim

The Examiner identified a gap in the chain of priority application information provided in the introductory paragraph of the Specification that could have impacted Applicants' claim of priority. Applicants thank the Examiner for detecting this error and hereby provide the missing information. Applicants respectfully submit the amendment completes the requirements for a claim of priority under 35 U.S.C. 119(e).

Drawings Description

The Examiner objected that the Specification did not include figure legends to describe Figures 1 and 2. Applicants request in the amendment section of this response that Figures 1 and 2 be deleted from the Specification. Said amendment does not add new matter, nor does the amendment remove support for the pending claims.

Inventorship Change

Applicants submit herewith a petition under 37 C.F.R. 1.48(b) to correct inventorship prompted by the restriction requirement.

Rejection Under 35 U.S.C. Section 112, Second Paragraph

Claims 7-9 were rejected under 35 U.S.C. Section 112, second paragraph, allegedly as being "vague and indefinite" for using the phrase "defined by." Claims 7 and 8 were rejected allegedly as "appear[ing] to be duplicative."

Without conceding the basis for this rejection, Applicants have cancelled claims 7-9. Applicants respectfully submit that new claims 16-29 fully comply with the requirements of Section 112, second paragraph. Applicants respectfully request withdrawal of this basis of the rejection.

Rejection Under 35 U.S.C. Section 102

Claims 7-9 were rejected under 35 U.S.C. 102(a) allegedly as being anticipated by Masiakowski et al, WO 99/07738 (hereinafter "Masiakowski"); Pitti et al, Nature, 396, 699 (hereinafter "Pitti"); Emery et al US Patent 5,885,800 (hereinafter "Emery I"); Gentz et al, WO 98/30694 (hereinafter "Gentz"); and Emery et al, EP 0 861 850 (hereinafter "Emery II").

The references cited against claims 7-9 allegedly "disclose a polypeptide comprising 300 amino acids, which is identical to the polypeptide of SEQ ID NO:1 of the instant invention over the 271 amino acids of SEQ ID NO:1." Moreover, according to the rejection, "Although each of these references did not appreciate that the full length . . . SEQ ID NO:1 undergoes proteolysis . . . , the claims as written read on the larger polypeptide . . . disclosed in each of these references."

As previously noted, Applicants have canceled claims 7-9. As such Applicants will address the rejection as against newly added claims 16-29.

Applicants' invention relates to analogs of FLINT polypeptide comprising fragments of full length FLINT polypeptide and/or sequence analogs of such fragments that retain biological activity. As such the invention is not anticipated by the cited references, which disclose the full length FLINT polypeptide without any suggestion of the fragments being claimed. Applicants' invention relates to their discovery that native FLINT is proteolytically cleaved in vivo between positions 218 and 219 of SEQ ID NO:1 (comparably, between positions 247 and 248 of SEQ ID NO:3). Thus, Applicants' invention distinguishes over the 300 amino acid polypeptide disclosed in the cited references, both in structure and functional activity. For example, while the claimed analogs retain the ability to bind LIGHT with about the same efficiency as full length FLINT, the other known FLINT target, FasL, appears to be bound to a lesser extent

by the claimed analogs. Thus, Applicants respectfully submit the invention claimed in newly added claims 16-29 distinguishes over the cited art. Applicants therefore request the rejection be withdrawn.

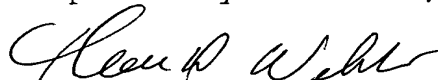
Claims 7-9 were further rejected under 35 U.S.C. 102(e), allegedly as being anticipated by published US Application 2002/0150583 (hereinafter "'583 application").

According to the rejection, the '583 application discloses a 300 amino acid polypeptide that is "identical to the polypeptide of SEQ ID NO:1 . . . over the 271 amino acids of SEQ ID NO:1." Moreover, the rejection asserts "the claims as written read on the larger polypeptide . . . disclosed in the reference."

Applicants respectfully submit the same arguments made in the preceding paragraphs respecting the rejection under 35 U.S.C. 102(a). Accordingly, Applicants respectfully request withdrawal of this basis of the rejection.

Applicants submit the amendments and arguments submitted herewith successfully address each of the points in the rejection. Applicants respectfully request withdrawal of the rejection and passage of the case to issuance.

Respectfully submitted,



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November 10, 2003